

Application No.10/700,259  
Amendment dated 10 January 2006  
Reply to Office action of 10 November 2005

### **REMARKS/ARGUMENTS**

Applicants respectfully request the Examiner to reconsider the pertinency of the newly cited references. The device of the present invention comprises of three main component parts in combination, namely: a vertical planar board; an easel attached to the rear surface of the planar board; a box-like self-erecting stabilizing supporting base located at a bottom front surface portion of the planar board; and an elastic cord means connected between the side panels of the stabilizing supporting base. The cited Wuensch U. S. Patent No.3,727,874 merely shows a stand having a planar board with a supporting easel attached to its rear surface; and there is no equivalent box-like stabilizing supporting base located at a bottom front surface portion of the planar board, and an elastic cord connected between the side panels of the stabilizing supporting base. Clearly, the claims of the present application are not readable on the Wuensch device and they are entirely distinguishable therefrom. The crux of Applicants' device is the inclusion of the self-erecting supporting base located at the front of the planar board. The self-erecting function is provided by the elastic cord connected between the side panels of the supporting base which are foldable along their vertical middle fold lines. The construction allows the stabilizing supporting base to be self-erecting independently apart to the self-erecting planar board. The stabilizing supporting base provides additional support to the planar board at the front so that the planar board can support the weight of merchandise items attached to its front surface. The supporting legs 18 of the Wuensch device are merely an enlarged portion of the bottom edge portions of the easel and they are not located at the front surface of the planar board. The

Application No. 10/700,259  
Amendment dated 10 January 2006  
Reply to Office action of 10 November 2005

supporting legs 18 cannot provide support to the planar if additional objects are placed on the front surface of the Wuensch planar board. In fact, the Wuensch device is not intended for supporting additional objects placed on the front surface of the planar board. Accordingly, the Wuensch device not only is different entirely in construction to the Applicants' invention but also is unable to provide the desired results of Applicants' device, namely the capability of supporting additional objects attached to or placed on the front surface of the planar board.

The cited Maglione U. S. Patent No. 5,620,104 shows openings formed in a peg board stand supported by triangular side supports 76. However, the assumptive inclusion of such openings in the Wuensch device as contended by the Examiner is clearly not feasible since as discussed above the Wuensch device is not rigid enough to support any additional objects placed on its planar board. It would readily tip over by the additional weight. On the other hand, the stabilizing supporting base of Applicants' device can firmly support the weight of the additional objects to maintain the planar board in the upright position. Accordingly, the assumptive combination of the Wuensch invention and the Maglione invention is in error since it is not workable. Applicants would further point out that there are 24 years apart in the issue dates between the Wuensch patent and the Maglione patent, and the failure of the Examiner in locating a reference showing such advantageous combination clearly indicates that the combination is not obvious in addition to the inoperativeness of such assumptive combination. Applicants would further point out that the entire construction of the device of the combination of all the parts recited in a claim must be considered when considering the patentability of the device. It is

Application No.10/700,259  
Amendment dated 10 January 2006  
Reply to Office action of 10 November 2005

erroneous to dissect the claimed combination into separate parts and considering one of its parts being remotely similar to that shown in a prior art and then making the conclusion that the claimed combination as a whole is obvious in view of such remote similarity of a single part.

Similarly, the combination of the cited Wuensch reference and the Friedman reference, II. S. Patent No.5,540,335 is erroneous, since the combination is not feasible as discussed above and that the Wuensch device having such assumptive additional construction would not support the additional weight and would readily tip over. Also, there are 23 years apart between the issue dates of these two references, and the failure of the Examiner in finding a prior art showing such combination clearly indicates that the combination-if feasible- is not obvious. In fact, Claims 4 and 5 dependent of Claim 1 recite a combination having a plurality of vertical through slots for mounting a plurality of merchandising baskets having specific constructions. None of the cited Wuensch or Friedman references even suggests any of such vertical slots and merchandising baskets having the construction as specifically recited in these claims.

Claim 1 have been amended to define clearly interalia that the stabilizing supporting base is located on the front surface of the bottom portion of the planar board; also the side panels of the supporting base have a vertical middle fold line with which the side panels may be pushed outwards for folding the side panels along them. Clearly such recitations in the combination are not readable on the cited references.

Claims 2, 4 to 9, 11, 12, and 14 have been amended to define the invention more specifically and to correct minor informalities. These claim are dependent either directly or

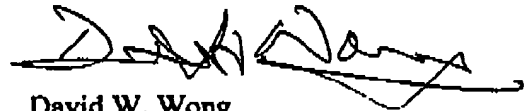
Application No.10/700,259  
Amendment dated 10 January 2006  
Reply to Office action of 10 November 2005

indirectly to Claim 1 and must be read in combination therewith.

Claims 3, 10 and 13 remain unchanged. These claims also dependent either directly or indirectly on Claim 1 and must also be read in combination therewith.

It is earnestly believed that the claims as now amended are clearly distinguishable over the cited references as fully discussed above, and the application is in condition for allowance. Early allowance of the application is therefore respectfully requested.

Respectfully submitted,



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